

**FLORIDA LAND AND WATER ADJUDICATORY COMMISSION  
AGENDA**

**AMENDED**

**May 16, 2006**

1. **Approval of the minutes of the meeting held May 2, 2006.**
2. **Consideration of an appeal filed by Tallahassee Hotel Associates, Ltd., a Florida Limited Partnership, regarding the Fourth Amendment to the Tallahassee-Leon County Civic Center Development of Regional Impact Amended Development Order and a petition to intervene filed by the Tallahassee-Leon County Civic Center Authority. FLWAC Case No. APP-06-005.**

On February 27, 2006, Petitioner, Tallahassee Hotel Associates, Ltd., (“THA”) filed a notice and petition appealing the Fourth Amendment to the Tallahassee-Leon County Civic Center Development of Regional Impact Amended Development Order (“Fourth Amendment”) The Fourth Amendment was approved by the City of Tallahassee Commission on January 11, 2006, extending the buildout date by two years to January 15, 2008, to remain effective to January 15, 2010, only if a foundation building permit is issued by November 15, 2006. THA challenges the City’s right to condition the extension on issuance of a building permit by November 15, 2006.

On March 20, 2006, the City of Tallahassee (“City”) filed a response to petition and affirmative defenses and filed the record of the public hearing on the City Commission action. Within the City’s affirmative defenses, the City suggests dismissal of the subject proceeding for lack of jurisdiction and alleges entitlement to attorney’s fees. THA filed a reply to the City’s affirmative defenses on April 10, 2006.

A petition to intervene was filed by the Tallahassee-Leon County Civic Center Authority (“Authority”) on March 20, 2006. An exhibit to the petition to intervene was filed on March 21, 2006.

An order to show cause why Petitioner’s appeal should not be dismissed for lack of standing was issued by the Secretary of the Commission on March 31, 2006. THA filed a response to the order to show cause and a motion for an award of attorney’s fees on April 10, 2006. The City filed a response to the order to show cause on April 17, 2006. On April 28, 2006, THA filed a notice of supplemental authority and memorandum to reply of the City.

Prehearing statements were filed by both the City and THA on April 10, 2006.

**Recommendation:**

Authorize the Secretary to enter the draft order of transmittal transmitting the appeal to the Division of Administrative Hearings for further proceedings and granting the motion to intervene.

**Back-Up:**

THA's notice and petition of appeal received February 27, 2006.

City's response to petition and affirmative defenses received March 20, 2006.

City's notice of filing public hearing materials received March 20, 2006.

Authority's petition to intervene received March 20, 2006.

Authority's notice of filing Exhibit A to petition to intervene received March 21, 2006.

FLWAC's order to show cause issued March 31, 2006.

THA's response to order to show cause and motion for award of attorney's fees received April 10, 2006.

City's prehearing statement received April 10, 2006.

THA's prehearing statement received on April 10, 2006.

THA's reply to the City's affirmative defenses received April 10, 2006.

City's reply to Petitioner's response to FLWAC's order to show cause received April 17, 2006.

THA's notice of supplemental authority and memorandum to reply of the City received April 28, 2006.

Draft order of transmittal.